

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 5, Page 1, Section A, Line 3, by inserting immediately after said line the following:

3 "302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or
4 any county or municipality of this state fails to dispose of the charges of which the resident is
5 accused through authorized prepayment of fine and court costs and fails to appear on the return date
6 or at any subsequent date to which the case has been continued, or without good cause fails to pay
7 any fine or court costs assessed against the resident for any such violation within the period of time
8 specified or in such installments as approved by the court or as otherwise provided by law, any court
9 having jurisdiction over the charges shall within ten days of the failure to comply inform the
10 defendant by ordinary mail at the last address shown on the court records that the court will order the
11 director of revenue to suspend the defendant's driving privileges if the charges are not disposed of
12 and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely
13 act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify
14 the director of revenue of such failure and of the pending charges against the defendant. Upon
15 receipt of this notification, the director shall suspend the license of the driver, effective immediately,
16 and provide notice of the suspension to the driver at the last address for the driver shown on the
17 records of the department of revenue. Such suspension shall remain in effect until the court with the
18 subject pending charge requests setting aside the noncompliance suspension pending final
19 disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court
20 costs, if applicable, is furnished to the director by the individual. The filing of financial
21 responsibility with the bureau of safety responsibility, department of revenue, shall not be required
22 as a condition of reinstatement of a driver's license suspended solely under the provisions of this
23 section.

24 2. [If any city, town, village, or county receives more than thirty percent of its annual general
25 operating revenue from fines and court costs for traffic violations, including amended charges from
26 any traffic violation, occurring within the city, town, village, or county, all revenues from such
27 violations in excess of thirty percent of the annual general operating revenue of the city, town,
28 village, or county shall be sent to the director of the department of revenue and shall be distributed
29 annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures
30 and fines collected for any breach of the penal laws of the state are distributed. The director of the
31 department of revenue shall set forth by rule a procedure whereby excess revenues as set forth above
32 shall be sent to the department of revenue. If any city, town, village, or county disputes a
33 determination that it has received excess revenues required to be sent to the department of revenue,
34 such city, town, village, or county may submit to an annual audit by the state auditor under the
35 authority of Article IV, Section 13 of the Missouri Constitution. An accounting of the percent of
36 annual general operating revenue from fines and court costs for traffic violations, including amended

Action Taken _____ Date _____

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charges from any charged traffic violation, occurring within the city, town, village, or county and charged in the municipal court of that city, town, village, or county shall be included in the comprehensive annual financial report submitted to the state auditor by the city, town, village, or county under section 105.145. Any city, town, village, or county which fails to make an accurate or timely report, or to send excess revenues from such violations to the director of the department of revenue by the date on which the report is due to the state auditor shall suffer an immediate loss of jurisdiction of the municipal court of said city, town, village, or county on all traffic-related charges until all requirements of this section are satisfied. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.] The provisions of subsection 1 of this section shall not apply to minor traffic offenses as defined in section 479.350."; and

Further amend said Substitute, Pages 1-2, Section 479.020, Lines 1-40, by removing all of said section from the substitute; and

Further amend said substitute, Page 2, Section 479.155, Line 8, by removing all of said line and inserting in lieu thereof the following:

"of the supreme court and shall complete"; and

Further amend said substitute, Page 3, Section 479.350, Line 4, by inserting after the word "fines," the following:

"court costs,"; and

Further amend said substitute, said page, said section, Line 12, by removing the word "fees" and inserting in lieu thereof the following:

"costs, fees, or surcharges"; and

Further amend said substitute, said page, said section, Line 14, by inserting immediately after the word "a" the words "municipal or county ordinance"; and

Further amend said substitute, Page 3, Section 479.353, Line 10, by inserting after said line the following:

"479.356. 1. If a person fails to pay court costs, fines, fees, or other sums ordered by a municipal court, to be paid to the state or political subdivision, a municipal court may report any such delinquencies in excess of twenty-five dollars to the director of the department of revenue and request that the department seek a setoff of an income tax refund. The department shall set guidelines necessary to effectuate the purpose of the offset program

2. The municipal court shall provide the department of revenue, the information necessary to identify each debtor whose refund is sought to be set off and the amount of the debt or debts owed by any debtor who is entitled to a tax refund in excess of twenty-five dollars and any debtor under section 221.070 who is entitled to a tax refund of any amount.

3. The department of revenue shall notify the municipal court that a refund has been set off. The department shall certify the amount of such setoff, which shall not exceed the amount of the

claimed debt certified. When the refund owed payouts exceed the claimed debt, the department of revenue shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The department of revenue shall notify the debtor by mail, sent to the debtor's last known address, that a setoff has been sought. The notice shall contain the following:

(1) The name of the debtor;

(2) The manner in which the debt arose;

(3) The amount of the claimed debt and the department's intention to set off the refund against the debt;

(4) The amount, if any, of the refund due after setoff against the debt; and

(5) The right of the debtor to apply in writing to the circuit court having jurisdiction over the municipal court from which the debt arose originally requesting setoff for review of the setoff because the debt was previously satisfied.

Any debtor applying to the circuit court for review of the setoff shall file a written application within thirty days of the date of mailing of the notice and send a copy of the application to the municipal court. The application for review of the setoff shall contain the name of the debtor, the case name and number from which the debt arose, and the grounds for review. The circuit court may upon application, or on its own motion, hold a hearing on the application. The hearing shall be ancillary to the original action with the only matters for determination whether the setoff was appropriate because the debt was unsatisfied at the time the municipal court reported the delinquency to the department of revenue and that the debt remains unsatisfied. In the case of a joint or combined return, the notice sent by the department shall contain the name of the nonobligated taxpayer named in the return, if any, against whom no debt is claimed. The notice shall state that as to the nonobligated taxpayer that no debt is owed and that the taxpayer is entitled to a refund regardless of the debt owed by such other person or persons named on the joint or combined return. The nonobligated taxpayer may seek a refund as provided in section 143.784.

5. Upon receipt of funds transferred pursuant to a setoff, the department of revenue shall deposit such funds in the state treasury to be held in an escrow account, which is hereby established. Interest earned on those funds shall be credited to the escrow account and used to offset administrative expenses. If a debtor files an application for review with the circuit court, the department shall hold such sums in question until directed by the circuit court to release the funds. If no application for review is filed, the department shall, within forty-five days of receipt of funds, send to the municipal court in which the debt arose such sums as are collected by the department of revenue for credit to the debtor's account.

6. Nothing in this section shall be construed to supersede the collection of family support enforced by the family support division on behalf of a person who is receiving support enforcement services under section 454.425. "; and

Further amend said substitute, Page 4, Section 479.359, Line 17, by removing the word "or" in the first instance and inserting in lieu thereof the word "and"; and

Further amend said substitute, said page, said section, Line 24, by removing all of said line and inserting in lieu thereof the following:

"(1) Defendants in custody pursuant to an initial arrest warrant issued by a municipal court have an"; and

Further amend said substitute, said page, said section, Line 29, by removing all of said line and

1 inserting in lieu thereof the following:

2 "heard by a judge in person, by telephone, or by video as soon as practicable and no later than
3 twenty"; and

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5 Further amend said substitute, said page, said section, Lines 35-37, by removing all of said lines and
6 inserting in lieu thereof the following:

7 "(5) The municipal court only assesses fines and costs as authorized by law;"; and

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9 Further amend said substitute, said page, said section, by renumbering the subsections accordingly;
10 and

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12 Further amend said Substitute, Page 5, Section 479.362, Lines 1-4, by removing said lines and
13 inserting in lieu thereof the following:

14 "479.362. 1. The director of the department of revenue shall review the information filed in
15 the addendum as required by section 479.359 and shall determine"; and

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17 Further amend said substitute, said page, said section, Line 10, by removing the word "auditor" and
18 inserting in lieu thereof the following:

19 "director of the department of revenue"; and

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21 Further amend said substitute, Page 6, said section, Lines 15-16, by removing all of said lines and
22 inserting in lieu thereof the following:

23 "the director of the department of revenue, the director shall determine whether the county,
24 city, town, or village failed to pay any excess amount required. If so, the director shall send the
25 notice of failure to pay"; and

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27 Further amend said substitute, said page, said section, Line 19, by removing the word "auditor" and
28 inserting in lieu thereof the following:

29 "director of the department of revenue"; and

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31 Further amend said substitute, said page, said section, Line 21 by deleting the words "state auditor"
32 and inserting in lieu thereof the words "director of the department of revenue"

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34 Further amend said substitute, said page, said section, Line 23, by removing the phrase "and the state
35 auditor"; and

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37 Further amend said substitute, said page, said section, Line 28, by removing the phrase "state
38 auditor's" and insert in lieu thereof the following:

39 "director of the department of revenue's"; and

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41 Further amend said substitute, said page, said section, Lines 33-35, by removing all of said lines and
42 inserting in lieu thereof the following:

43 "5. If any county, city, town, or village has failed to make an accurate or timely report under
44 section 105.145 or send excess revenue to the director of the department of revenue and the sixty-day
45 period described in subsection 1 of this section has passed or there has been a final adjudication of
46 the case, whichever is later, the county, city, town, or village shall have five business days to file an
47 accurate report or send excess revenue to the director of the department of revenue after which time
48 any matters pending in the municipal court shall"; and

Further amend said substitute, said page, said section, Line 37, by inserting immediately after the word "court" the following:

"until such county, city, town, or village is compliant with the provisions of this section"; and

Further amend said substitute, said page, said section, Line 38, by removing all of said line and inserting in lieu thereof the following:

"matter reassigned to other divisions within the court shall be considered excess revenue. The excess revenue shall be paid to the director of the department of revenue"; and

Further amend said substitute, said page, said section, Line 40, by inserting immediately after "revenue" the following:

"If the noncompliant county, city, town, or village thereafter makes an accurate report under section 105.145 or sends excess revenue to the director of the department of revenue, the municipal court shall be eligible to hear cases initiated on the day after the director of revenue receives the report or excess revenue. All fines, bond forfeitures, and court costs generated from these cases shall be subject to section 479.359."; and

Further amend said substitute, said page, said section, Line 40, by inserting immediately after said line the following:

"6. The state auditor shall have the authority to audit any addendum and any supporting documents submitted to the department of revenue by any county, city, town, or village."; and

Further amend said substitute, Page 6, Section 479.368, Line 1, by deleting said line and inserting in lieu thereof the following:

"479.368. 1. Except for county sales taxes deposited in the "County Sales Tax Trust Fund" as defined in section 66.620, any"; and

Further amend said bill, page, and section, Line 9, by inserting immediately after said line the following:

"2. Any city, town, village, or county that participates in the distribution of local sales tax in sections 66.600 to 66.630 and fails to timely remit the required excess revenues as required by section 479.359 shall not receive any amount of monies to which said city, town, village, or county would otherwise be entitled under 66.600 to 66.630. The director of revenue shall segregate any disbursements to the noncompliant city, town, village, or county authorized under sections 66.600 to 66.630 into a fund to be set up for the purpose of holding such monies. No disbursements from the fund to the noncompliant city, town, village, or county shall be permitted until a determination is made by the director of revenue that the noncompliant city, town, village, or county has remitted all excess amounts to the director as required by section 479.359. If a noncompliant city, town, village, or county becomes disincorporated, any monies remaining in the fund shall be distributed to the schools of the county in the same manner that proceeds of all penalties, forfeitures, and fines collected for any breach of the penal laws of the state are distributed." ; and

Further amend said bill and section, Page 7, Line 10, by deleting the number "2." and inserting in lieu thereof the number "3."; and

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Further amend said substitute, Pages 7-9, Section 302.341, Lines 1-59, by removing all of said section from the substitute; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.